

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

HEARTS ON FIRE COMPANY, LLC,

Plaintiff,

v.

EIGHTSTAR DIAMOND COMPANY,

Defendant.

CIVIL ACTION NO. 04-12258-JLT

MAGISTRATE JUDGE ROBERT B.
COLLINGS

**ASSENTED-TO MOTION FOR
ADMISSION *PRO HAC VICE* OF JAMES L. PHILLIPS**

Pursuant to Local Rule 83.5.3(b), Sean T. Carnathan, a member in good standing of the bar of this Court, hereby moves for an order allowing James L. Phillips to appear *pro hac vice* on behalf of Defendant Eightstar Diamond Company. As grounds for this motion, Mr. Carnathan relies upon the affidavit of Mr. Phillips (submitted herewith) and states as follows:

1. Mr. Phillips is admitted to practice law in the State of Washington.
2. Mr. Phillips is admitted to practice in the following federal courts: Western and Eastern Districts of Washington, the Ninth Circuit Court of Appeals, and the U.S. Supreme Court.
3. Mr. Phillips is a member in good standing in all jurisdictions where he has been admitted to practice.

4. There are no disciplinary proceedings pending against Mr. Phillips as a member of the bar in any jurisdiction.

5. Mr. Phillips is familiar with the Local Rules of the United States District Court for the District of Massachusetts.

6. Mr. Phillips is familiar with the facts and circumstances underlying the captioned action and their admission *Pro Hac Vice* will facilitate the just and speedy resolution of this action.

7. Plaintiff, through its counsel, has assented to this motion.

8. Defendant has tendered a check to the clerk for \$50 upon the filing of this motion, which represents the court's filing fee for Mr. Phillips' admission *Pro Hac Vice*.

WHEREFORE, Sean T. Carnathan hereby requests that this Court admit James L. Phillips to appear in this matter on behalf of Eightstar Diamond Company.

QUIGLEY, O'CONNOR & CARNATHAN LLC

/s/ Sean T. Carnathan
Sean T. Carnathan, Esq. (BBO #636889)
20 Custom House Street
Boston, MA 02110
(781) 359-9000

Attorneys for Defendant Eightstar
Diamond Company

Dated: September 14, 2005.

CERTIFICATE OF SERVICE

I, Sean T. Carnathan, hereby certify that on this 14th day of September, 2005, I caused to be served a true copy of the above document upon the attorney for the Plaintiff, by mailing a copy of the same to:

Stephen M. LaRose, Esq. (BBO #654507)
NIXON PEABODY LLP
100 Summer Street
Boston, MA 02119
(617) 345-1000

QUIGLEY, O'CONNOR & CARNATHAN, LLC

/s/ Sean T. Carnathan
Sean T. Carnathan, Esq. (BBO #636889)
8 New England Executive Park, Suite 310
Burlington, MA 01803
(617) 292-2518

Attorneys for Defendant Eightstar
Diamond Company